

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 2014 OF 2022****WITH****INTERIM APPLICATION NO. 2012 OF 2022****IN****CRIMINAL APPEAL NO. 651 OF 2022**

Utsav Prasad

.....Applicant

Vs.

Central Bureau of Investigation & Anr.

.....Respondents

Mr. R.N. Prabhu for the Applicant.

Mr. Kuldeep Patil for the Respondent No.1-CBI.

Mr. R.M. Pethe APP, for the Respondent No.2-State.

CORAM : A. S. GADKARI, J.**DATE : 1st JULY, 2022.****P.C.:-**

These are the Applications for suspension of sentence and releasing the Applicant on bail.

2 Applicant is original Accused No.9. Applicant has been convicted under Sections 420, 465, 467, 468, 471 read with Section 120-B of Indian Penal Code and under Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 and is sentenced to suffer maximum rigorous imprisonment for four years and to pay a total fine of Rs.1,40,000/- by the Special Judge (CBI), Greater Mumbai in CBI Special

Case No.97 of 2011 along with CBI Special Case No.28 of 2014 by its Judgment and Order dated 15th June, 2022.

3 Mr. Prabhu, learned Advocate for the Applicant submitted that, the Applicant was on bail during the pendency of trial and there is no report of breach of any of the conditions imposed upon him. He further on instructions submitted that, the Applicant has already deposited entire fine amount in the Registry of the trial Court. The maximum sentence imposed upon the Applicant is four years of rigorous imprisonment. Possibility of hearing present Appeal on its own merits in near future is remote. This Court therefore is of the view that, during the pendency of Appeal the substantive sentence imposed upon the Applicant can be suspended and he can be released on bail.

4 Hence, the following Order :-

- (i) Applicant/Accused No.9 in CBI Special Case No.97 of 2011 along with CBI Special Case No.28 of 2014 be released on bail on his furnishing P. R. bond of Rs.50,000/- with one or more solvent local sureties in the like amount.
- (ii) Applicant is permitted to furnish cash bail for a period of 12 weeks and during the said period he is directed to comply with the condition of furnishing sureties.

(iii) During the pendency of the Appeal, Applicant is directed to attend office of Respondent No.1 on every first Monday of the month initially for a period of 1 year and thereafter on every first Monday of every 3rd month, i.e. 4 times in a year.

5 Both the Applications are allowed in the aforesaid terms.

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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